

**COUNCIL BLUFFS, IOWA**

**ZONING BOARD OF ADJUSTMENT**

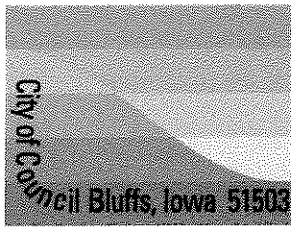
**ANNUAL REPORT**

**2007**

**January 1, 2007 – December 31, 2007**

**PREPARED BY**

**COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF COUNCIL BLUFFS**



OFFICE OF:  
COMMUNITY DEVELOPMENT  
(712) 328-4629

April 22, 2008

Mayor and City Council  
City Hall  
209 Pearl Street  
Council Bluffs, IA 51503

Mayor and Members of the City Council:

The Zoning Board of Adjustment transmits for your information this copy of the *2007 Annual Report*. This report contains a summary of the action taken by the Zoning Board of Adjustment in handling the various cases referred to them during the year.

I would like to take this opportunity to thank the other members of the Zoning Board of Adjustment and the staff of the Community Development Department for their efforts and support during the past year. I hope that together we can continue to serve the City of Council Bluffs in a program of progressive community development.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bobbette Behrens".

Bobbette Behrens, Chair  
Zoning Board of Adjustment

BB/RLS



***ZONING BOARD OF ADJUSTMENT***

Bobbette Behrens, Chair  
Mark Andrews  
Matt Garst  
Memory Mescher  
Matt O'Reilly

***MAYOR***

Thomas P. Hanafan

***CITY COUNCIL***

Darren Bates  
Scott Belt  
Lynne Branigan  
Matt Schultz  
Matt Walsh, Jr.

***COMMUNITY DEVELOPMENT DEPARTMENT***

Donald D. Gross, Director  
Gayle M. Malmquist, Development Services Coordinator  
Rose E. Brown, Urban Planner  
Rebecca L. Sall, Planning Technician  
Cindy A. Clark, Administrative Secretary  
Patrick McFadden, Zoning Enforcement Officer

## **ZONING BOARD OF ADJUSTMENT**

### **MEMBERS AND TERMS**

**2007**

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<i><b>Members</b></i>	<i><b>Appointed</b></i>	<i><b>Re-appointed</b></i>	<i><b>Expires</b></i>
Mark Andrews	May 17, 1999	April 1, 2004	April 1, 2009
Bobbette Behrens	December 12, 2005	April 9, 2007	April 1, 2012
Matt Garst	January 10, 2006		April 1, 2010
Memory Mescher	April 23, 2001	March 13, 2006	April 1, 2011
Matt O'Reilly	June 12, 2000	March 28, 2005	April 1, 2010

### **ATTENDANCE 2007**

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<i><b>Members</b></i>	<i><b>Present</b></i>	<i><b>Absent</b></i>
Mark Andrews	5	0
Bobbette Behrens	5	0
Matt Garst	4	1
Memory Mescher	4	1
Matt O'Reilly	5	0

Meetings: Five meetings were held in 2007. The January, March, April, May, July, August and October meetings were cancelled because there were no cases for consideration. Regularly scheduled meetings are held on the third Tuesday of each month.

## ***SUMMARY OF ACTIVITIES***

### ***Introduction***

The Zoning Board of Adjustment consists of five members appointed by the Mayor to staggered five-year terms. The Board has the power to hear and decide appeals where there is alleged to be an error in any order, requirement, decision or determination made by an administrative official or building official in the enforcement of Title 15 of the Municipal Code (Zoning Ordinance). Persons may apply to the Board in an effort to seek relief from any requirement of the Zoning Ordinance as set forth by State law. Appeals to the Board may be taken by any person or organization that believes that they have been aggrieved by an officer, department, or board of the municipality.

The Zoning Board of Adjustment heard nine cases in 2007 compared to 10 cases in 2006, and 18 cases in 2005. Of this total, six cases were related to variances and three were related to conditional use permits.

### ***Variance Requests***

In 2007, the Board heard six cases relating to variances from the requirements of the Zoning Ordinance. This compares to six requests in 2006 and 10 requests in 2005.

These six cases dealt with a total of 10 requests for variances. The Community Development Department recommended approval of six requests and denial of four. The Board agreed with the Department on eight cases and disagreed on two, approving eight variances and denying two. The Board endorsed the Community Development Department recommendations 80% of the requests.

### ***Conditional Use Permits***

Three requests relating to conditional use permits were heard by the Board in 2007. This compares to four requests in 2006 and seven requests in 2005. All of the cases heard were for new conditional use permits. One request was for a communication tower, one for a homeless service center and one to allow light manufacturing.

The Community Development Department recommended approval of all three requests and the Board concurred, agreeing with staff 100% of the time.

Overall, the Board endorsed the Community Development Department's recommendations on 11 of the 13 requests, or 85% of the time.

## ZONING BOARD OF ADJUSTMENT

### VARIANCES

2007

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- |   |   |
|---|---|
| <b>1. CASE #BA-07-001</b><br>A 2 foot street side yard setback variance to allow the placement of a single family structure.<br><br><i>CDD: Approval</i>  | <b>1701 Avenue B</b><br><br><i>ZBA: Approval</i>  |
| <br>  |   |
| <b>2. CASE #BA-07-002</b><br>A 19 foot front yard setback variance for an existing commercial structure.<br><br><i>(Case withdrawn prior to Zoning Board of Adjustment action)</i>  | <b>505 South 15<sup>th</sup> Street</b>   |
| <br>  |   |
| <b>3. CASE #BA-07-003</b><br>A front yard setback variance to allow an accessory structure closer to the front property line than the existing principal structure, a 4 foot height variance for said accessory structure and a variance to allow gravel surfacing for an existing driveway.<br><br><i>CDD: Approval of setback variance and denial of height and surfacing variance.</i> | <b>1475 Indian Hills Road</b><br><br><i>ZBA: Approval of setback and surfacing variance &amp; denial of height variance</i> |
| <br>  |   |
| <b>4. CASE #BA-07-004</b><br>A 16.4 foot front yard setback variance and a variance to allow the addition of a garage onto an nonconforming structure.<br><br><i>CDD: Approval of both</i>  | <b>600 Forest Drive</b><br><br><i>ZBA: Approval of both</i>   |
| <br>  |   |
| <b>5. CASE #BA-07-005</b><br>A 4 foot height variance to allow the construction of a 12 foot tall sound wall.<br><br><i>CDD: Denial</i>   | <b>1500 North 8<sup>th</sup> Street</b><br><br><i>ZBA: Approval</i>   |
| <br>  |   |
| <b>6. CASE #BA-07-006</b><br>A variance to allow gravel surfacing for an existing driveway.<br><br><i>CDD: Denial</i>   | <b>2037 – 23<sup>rd</sup> Avenue</b><br><br><i>ZBA: Denial</i>  |
| <br>  |   |
| <b>6. CASE #BA-07-007</b><br>A 19 foot front yard setback variance and an 11 foot rear yard setback variance to allow the construction of a single family structure.<br><br><i>CDD: Approval of both</i>  | <b>Lot 82, Lakewood Villa</b><br><br><i>ZBA: Approval of both</i>   |

**ZONING BOARD OF ADJUSTMENT**  
**CONDITIONAL USE PERMITS**

**2007**

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**1. CASE #CU-07-001**

**Southwest corner of Gifford  
Road and Dog Bite Lane**

A conditional use permit to allow a 150 foot tall monopole communication tower in an A2/Parks, Estates and Agricultural District.

*CDD: Approval*

*ZBA: Approval*

**2. CASE #CU-07-002**

**321 – 16<sup>th</sup> Avenue**

A conditional use permit to allow a homeless service center, including retail sales, in an I-2/General Industrial District.

*CDD: Approval*

*ZBA: Approval*

**3. CASE #CU-07-003**

**110 South 29<sup>th</sup> Street**

A conditional use permit to allow light manufacturing (assembly of electronic circuit boards) in a C-2 Commercial District.

*CDD: Approval*

*ZBA: Approval*